

**IN THE UNITED STATES OF BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

In re:
KATHY ANN FILHIOL,

Case No. 13-70608-FJS
Chapter 13

Debtor.

**OBJECTION TO CONFIRMATION OF AMENDED PLAN
AND NOTICE OF HEARING**

COMES NOW R. Clinton Stackhouse, Jr., Chapter 13 Trustee (the "Trustee") who objects to confirmation of the amended plan filed in this case. In support of this objection, the Trustee states as follows:

1. Kathy Ann Filhiol (the "Debtor"), filed a voluntary petition for bankruptcy under Chapter 13 of Title 11 of the United States Code with this Court on February 21, 2013. Relief was ordered.

2. On February 22, 2013, the Trustee was appointed Chapter 13 trustee in this case and continues to serve in that capacity.

3. On March 21, 2013, the Debtor filed her original plan (the "Plan"), which has not been confirmed by the Court.

4. On March 23, 2013, the Debtor filed an amended plan (the "Amended Plan"), which has not been confirmed by the Court.

5. The Amended Plan proposes to pay the lien of "Homeward Residential Mortgage", in the amount of \$48,243.42, which is secured by real property located at 1116 Long Ridge Road, Chesapeake, VA 23322 under Section 3A and 3D of the Amended Plan

R. Clinton Stackhouse, Jr. VSB No. 19358
Chapter 13 Trustee
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(“Homeward’s Lien”). It appears that Homeward’s Lien is a “Restructured Mortgage Loan” and should actually be treated under Section 5C of the Plan; not under Section 3A and 3D.

6. Currently, Amended Plan funding is sufficient to pay a one-hundred percent (100%) distribution to holders of allowed secured and unsecured claims, which is required in this case in order to pay to pay creditors at least as much as they would receive in a liquidation. However, the claims bar date for filing proofs of claim is July 1, 2013, for creditors and August 20, 2013, for governmental agencies.

7. Therefore, The Trustee seeks an order requiring that total Amended Plan funding must equal one-hundred percent (100%) of claims filed and be increased accordingly, if necessary, to satisfy the requirements of §11 U.S.C. §1325(a)(4).

6. The Amended Plan fails to meet the requirements set forth in 11 U.S.C. §1325.

For the foregoing reasons, the Trustee prays that confirmation of the Amended Plan be denied.

NOTICE OF HEARING ON OBJECTION TO CONFIRMATION

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the Court to deny confirmation of your Amended Plan or if you want the Court to consider your views on the Objection, then you and your attorney must:

ATTEND THE HEARING SCHEDULED TO BE HELD:

at United States Bankruptcy Court on May 7, 2013 at 10:00 a.m.
Walter E. Hoffman United States
Courthouse - Courtroom Two
600 Granby Street
Norfolk, Virginia

to consider and act upon the Objection to Confirmation of the Amended Plan filed by the Chapter 13 Trustee.

If you or your attorney do not take these steps, the Court may decide that you do not

oppose the relief sought in the Objection and may enter an order granting that relief.

R. Clinton Stackhouse, Jr.
Chapter 13 Trustee

/s/ R. Clinton Stackhouse, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April, 2013, I will electronically file the foregoing Objection with the Clerk using the CM/ECF system, which will then send electronic notification of such filing to Steve C. Taylor, Esquire, counsel for the Debtor and that a true copy was mailed, first-class, postage prepaid to the Debtor at:

Kathy Ann Filhiol
1116 Long Ridge Road
Chesapeake, VA 23322

/s/ R. Clinton Stackhouse, Jr.
